



Nederland Planning Commission

AGENDA

Wednesday, May 25, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

- 1) Call to Order
- 2) Roll Call
- 3) Approval of minutes from April 27, 2011
- 4) Action Items
 - a. Special Review Use Application – Rocky Mountain Wildlife Shelter
(20 Lakeview Drive, Unit 105)
- 5) Discussion Items
 - a. Nederland Comprehensive Plan Update
- 6) Other Business
- 7) Adjournment



Nederland Planning Commission

MINUTES

Wednesday, April 27, 2011 ~ 7:00 pm
Nederland Community Center
750 Highway 72 North

1) Call to Order

The Chairman called the meeting to order at 7:06 PM.

2) Roll Call

Present: Chairman Bill Martin, Commissioners Roger Cornell, Denise Jackson, Kris Larsen, Mikki Osterloo and Steve Williams.

Also present: Town Administrator Alisha Reis, Deputy Town Clerk Kristen Edwards.

Absent: Trustee Mueller

3) Approval of minutes from March 23, 2011

Chairman Martin made a request to better clarify the size of the requested parking variance related to item 4b, page 8. The motion to approve the minutes with the requested revision was made by Commissioner Cornell, seconded by Commissioner Larsen and unanimously approved.

4) Action Items

Prior to the first action item, the meeting was opened to general public comment.

David Sites – 101 E. 2nd Street – inquired as to the timing of the wastewater plant construction and the corresponding limitations with regard to building permits.

Reis explained that the anticipated timeline for the wastewater plant has changed from an April to an October groundbreaking. A building permit can be issued and construction under the permit may begin at

any time, but a final Certificate of Occupancy for any project that increases wastewater demand cannot be issued until construction has begun on the plant.

The Commission had a discussion regarding the BOT's decision to grant the parking variance for the Bike Shop and Café at 2nd and Snyder (which came before the Commission at its March meeting).

a. Consideration of Lot Line Dissolution Application by Paul Rewinkel (259 & 261 West 4th Street)

Reis introduced the item, explaining that by dissolving the line between the two lots in question, a legal, conforming lot will be created out of two non-conforming lots. There is some controversy as to where the line lies; the east-west line shown on the plat was the result of a court decision that the Town does not recognize. According to the Town the dividing line runs north and south. Either way, the same, 8,000+ square foot lot will be created, so if the dissolution is approved it is a moot point.

She explained that the applicant is requesting that the lot line dissolution be contingent upon the approval by the Board of Zoning Adjustment of a setback variance.

Mark Cohen – the Attorney representing Mr. Rewinkel – explained that the proposal on the table is their best solution to the problems they've had with the lots. The solution creates a buildable lot and their proposed construction project uses the two current existing foundations to build one home. He reiterated that the applicant, for economic reasons, wishes the approval to be contingent on the approval of the setback variance by the BZA so as not to incur the expense of moving the foundation.

The Commission reviewed the application and the contingent requirements. In response to questions from the Commission, Mr. Cohen shared his understanding regarding proximate lots 4 and 5 that the County may want to put affordable housing on those lots; as such, Mr. Rewinkel chose not to try to obtain an easement through those lots. It was clarified that easy access exists off of 4th Street. Mr. Rewinkel and Mr. Cohen confirmed that it is the southernmost foundation that will be the subject of the requested variance.

Commissioner Cornell said he would feel more comfortable if the variance the applicant plans to request remains within the current

foundation footprint. He believes that would be a better solution for the neighborhood and better address the neighbors' concerns. Mr. Rewinkel stated that his intention is to stay within the existing footprint on the southern side in question.

It was agreed that the purview of the Commission is limited to the subject of the lot line dissolution. Chairman Martin stated that he found the proposal to be a good solution to an issue with which the applicant and the Town have struggled for some time. The issue of off-street parking was raised; it was agreed that any potential issues in that area will be addressed when the applicant applies for a building permit.

The motion to approve the lot line dissolution between 259 West 4th Street and 261 West 4th Street was made by Commissioner Larsen, seconded by Commissioner Jackson and unanimously approved.

Commissioner Martin apologized to audience member Leonard Kottenstette for not calling for public comment on the item. Mr. Kottenstette, a neighbor of the applicant, expressed concerns about the proximity of a fire hydrant to the proposed parking/driveway amongst other concerns. It was agreed that the issues raised would be addressed by administrative, building and zoning review when and if the applicant submits a building permit for the proposed project.

5) Discussion Items

a. Nederland Comprehensive Plan Update

The group confirmed that the next Comprehensive Plan workshop will be on May 18th.

Chairman Martin read from a DDA-related 'sustainability manifesto' he found in his files, and suggested that the historic building survey might be a valuable resource that should be circulated to the group.

The group had a discussion reacting to the draft sustainability chapter circulated by Trustee Mueller. Commissioner Larsen raised the issue that Nederland is too small of a footprint to ever be zero-net impact and truly sustainable. Commissioner Jackson agreed that it is about becoming more sustainable. She listed a number of issues she had with the sustainability chapter as written. She

pointed out that the SRU process includes a “how the proposal supports the Comprehensive Plan” component, and doesn’t want “pie-in-the-sky” sustainability issues to be raised as a way to block building permits and development given the struggling current economy. Commissioner Osterloo opined that sustainability should really be about extending the horizon for analyzing the impact of decisions further than the next 10 years, and that as it was raised at the BOT’s sustainability workshop the night before, the group emphasized the local economy. A number of Commissioners agreed that the sustainability goal of “no net loss of human or natural capital” isn’t realistic for the Nederland community at this point in time. Commissioner Williams wondered if the sustainability chapter shouldn’t be a stand-alone document, with sustainability principles woven into the Comprehensive Plan in numerous places. Commissioner Cornell wondered if the principles would have enough ‘teeth’ in a separate, non-legislative document. He noted that specific things like zero-waste events should be detailed in Town resolutions or ordinances, but not in overarching documents like the Comprehensive Plan. Chairman Martin reemphasized the value of including specifics and detail in things like Reis’ proposed handbook for developers. He found a number of good pieces in the chapter and suggested that the chapter be kept to a higher-level that references specifics in appendices or other documents like the developer handbook. Commissioner Cornell voiced his concerns about being an ‘experiment’ by adopting an extremely cutting-edge building code vis-à-vis sustainability. Commissioner Osterloo expressed that she would personally want to go much further than even very sustainable code, but that she isn’t sure she wants to enforce that for all residents. Commissioner Williams pointed out the importance of economics as a driver when residents consider energy-efficient changes. The group discussed a number of ways that the sustainability component of the Plan could be structured.

The group agreed to review their chapters in light of the draft sustainability chapter and flag places where the sustainability principles can be woven into their sections.

Commissioner Jackson brought the group’s attention to Resolution 2007-06, endorsing the U.S. Mayor’s Climate Protection Agreement, which strove to meet or exceed the Kyoto Protocol targets. The Resolution lists 12 relatively specific goals and actions for local communities, which she thought would be beneficial to include or tie into the Plan.

Staff updated the Commission on Trustee Nowicki's intention to set up a wiki for Town use. The wiki could host the Comprehensive Plan draft as it evolves so everyone has access to the most recent draft and can easily make edits and comments.

The group agreed to narrow the focus to the Economy & Housing chapters for the workshop on the 18th so as to be able to go into more depth on those areas.

6) Other Business

The group again discussed the BOT's decision to go in a different direction than the Commission's recommendation on the 2nd and Snyder project from the March meeting. Reis explained the Board's thinking on why they chose to grant the variance, explaining that it was primarily a policy decision to encourage multi-modal and foot traffic rather than creating a parking lot.

7) Adjournment

The motion to adjourn was made by Commissioner Cornell, seconded by Commissioner Larsen and unanimously approved at 8:43 pm.

Approved by the Planning Commission,

Bill Martin, Chair, Planning Commission

ATTEST:

Kristen Edwards, Deputy Town Clerk



AGENDA INFORMATION MEMORANDUM TOWN OF NEDERLAND PLANNING COMMISSION

Meeting Date: May 25, 2011

Initiated By: /s/Alisha Reis

Dept: Zoning

Action Discussion

AGENDA ITEM:

Special Review Use Application – Rocky Mountain Wildlife Shelter (20 Lakeview Drive, Unit 105)

SUMMARY:

Applicant and owner Mark Campbell is requesting a Special Review Use permit so as to be able to run a non-profit reptile rescue/shelter and education center. The proposed location is in the Caribou Shopping Center (zoned GC); the applicant currently occupies the space, but the space is not open to the public.

Staff received the application on May 5th and deemed it complete. Notices of the public hearing were posted in the Mountain-Ear and on the property as well as mailed to property owners within a 300-foot radius.

The application must be reviewed in accordance with Nederland Municipal Code Sec. 16-55:

(a) A special review use application shall be approved only if the Board of Trustees finds that the application:

(1) Is eligible for a special review under Section 16-32;

The application is eligible for special review under the educational category.

(2) Is generally compatible with adjacent land uses;

The proposed use is similar to an animal-based educational program next door to it, Wild Bear Center.

(3) Meets all requirements of Section 16-52 above, is in compliance with this Chapter and minimizes potential adverse impact of the special review use on adjacent properties and traffic flow;

All requirements of Section 16-52 are met with the application at the application is in compliance with Chapter 16.

(4) Is consistent with the Comprehensive Plan; and

The application supports Comprehensive Plan themes of encouraging the establishment of independent businesses of local character and limited space requirements, encouraging spending by non-resident visitors, and supporting commercial development in a clearly defined and contained core commercial area.

(5) The Town has the capacity to serve the proposed use with water, sewer, fire and police protection.

The Public Works Department, Police Department and DDA supported the application with no concerns or conditions. The Fire Department supported the application with standard conditions involving the need for smoke detectors, exit signs, and proper lighting, as well as the need for permanent wiring and/or power strips with built-in circuit breakers rather than the use of extension cords.

HISTORY AND PREVIOUS COMMISSION ACTION:

None

ALTERNATIVES:

- 1) Recommend approval of the application to the BOT
- 2) Recommend denial of the application to the BOT

ATTACHMENTS:

- 1) SRU Application and supplementary materials

FINANCIAL CONSIDERATIONS:

None



Special Review Use Application

Town of Nederland

45 W. 1st Street, PO Box 396, Nederland CO 80466

Applicant Name: Mark Campbell

Address: PO Box 535, Nederland, CO 80466-0535

Phone: (Home) 720-891-8773 (Work) 720-891-8773

Date of Application: _____

Address and location of property: Street Address 20 Lakeview Dr., unit 105

Block _____ Lot _____ Subdivision Big Springs Park meadows Zoning GC Sub.# 2

Explanation of the proposed use for this property: Rocky Mountain Wildlife Shelter is a nonprofit shelter that will provide loving homes for animals in need.

The following information is required to be included with this application. 12 copies of a completed application including everything in items 1, 2 & 3 are required. [NMC Section 16-52]

	Initial	Date
1. A complete site plan showing:		
A. Adjacent land uses & location of adjacent structures	<u>MC</u>	_____
B. Boundary and size of site	<u>MC</u>	_____
C. Building location, height and setbacks	<u>existing MC</u>	_____
D. Off-street parking and loading areas	↓	_____
E. Points of entry and exit	↓	_____
F. Service and refuse areas	↓	_____
G. Signs and exterior lighting	↓	_____
H. Fencing, landscaping and screening	↓	_____
I. Compliance with performance standards [NMC Section 16-78]	<u>MC</u>	_____
J. Anticipated utility requirements	<u>KJE</u>	_____
K. North arrow reference	<u>MC</u>	_____
L. Traffic flow schematic	<u>existing MC</u>	_____
2. Time schedule for development	<u>MC</u>	_____
3. Other information to support application	<u>MC</u>	_____
4. Mailing labels for property owners within 300 feet of property boundaries (Available from the Boulder County Assessor's Office - 303.441.3530)	<u>KJE</u>	_____
5. Non-refundable application fee of \$500 (\$100 for outdoor sales, eating and drinking, or other outdoor commercial activities or establishments)	_____	_____
6. Signed consultant fee agreement (if applicable)	<u>N/AP</u>	_____

The Applicant hereby agrees to pay all costs and fees incurred by the Town of Nederland in the hiring of engineering, planning and legal consultants as needed, in the review of the application. The obligation of the applicant to pay such fees bears no relationship to the result of the application process. The Applicant will pay all fees as billed in any event, including the event the applicant shall withdraw or delay the application, or in the event the application is denied.

This agreement is made between the Town of Nederland and Mark Campbell
(printed name of applicant)

On the 5th day of May, 2011.

Mark Campbell
Applicant

Kristy Edwards
for the Town of Nederland

Addendum

1. Site Plan Details

RMAS is located in the Nederland Shopping Center between Wild Bear Ecology Center and The Nederland Police Station. The dimensions of the rented bay are 60' by 20'. Ample parking is available and is provided by the Caribou Mercantile parking lot. RMAS has minimal loading needs, as the animals are reptilian and small. Points of entry and exit are to code at the shopping center. Services and refuse removal are covered by Caribou Mercantile Company (CMC) in the CAM costs paid through rent. Fencing, landscaping, screening, signs and exterior lighting are within the scope of CMC code requirements and approved by CMC. A Sign Permit Application has been submitted to the Town of Nederland. RMAS is in compliance with NMC Sec. 16-52. In regard to Sec. 16-52, safety, odor and noise beg comment. Odor is negligible because, unlike mammals, reptiles have no functions which lead to odors. There are no bodily oils or scent glands. Cages are to be kept at a very clean standard because the whole point of the shelter is to teach proper husbandry. Cages have been designed for easy cleaning and security. Reptiles are silent so noise is not an issue. The visitors at the shelter will be encouraged to be reasonably quiet out of respect for the animals and others. Security is handled by employing the industry standard "Double Door" method. In addition to each cage offering "public tamper proof" housing, they also have the double security of the rented bay being professionally secured to make escape impossible. The perimeter has been secured. As far as the range of touch of the visitors, all heat lamps and electric wires and reptiles are out of range of the public. Certain reptiles can be handled or touched by the public under close supervision. Hand sanitizer will be provided after each handling.

2. Time Schedule for Development

Once the Special Review Process is over, we plan to open immediately.

3. Support information

a. Cleaning schedule:

- i. Volunteers will clean bathroom, including sink & toilet area, and vacuum & mop floors nightly after closing. Flooring cleaning substances are a mild bleach solution with water for disinfection.

In addition, Parvesol* and Wipe-out* will be used to clean all surfaces except the floor.

* Parvesol is a ready-to-use quaternary ammonium chloride cleanser, deodorizer and disinfectant. Effective against most pathogenic organisms including Salmonella, Staphylococcus, Pseudomonas, E. coli, Mycobacterium tuberculosis, Trichophyton, canine Parvovirus.

*Wipe Out, a general cleaner, can be used as a mild spray solution or full strength wash. Just adjust the strength to fit your particular cleaning job. Start with the recommended dilutions, but you may find it necessary to use

more or less cleaner to adjust for varying cleaning problems. For the small job, apply Wipe Out to damp cloth or sponge and wipe. For the very tough job on hard surfaces, dilute wipe out 1 to 5 and use Scotch Brite scour pads as needed buildup of mold or mildew.

3. Policy for Handling Reptiles

Only trained volunteers will handle the reptiles. RMAS has defined a one hour training process for volunteers to become "certified" for handling of reptiles. This is for the health, safety and welfare of both reptile and handler.

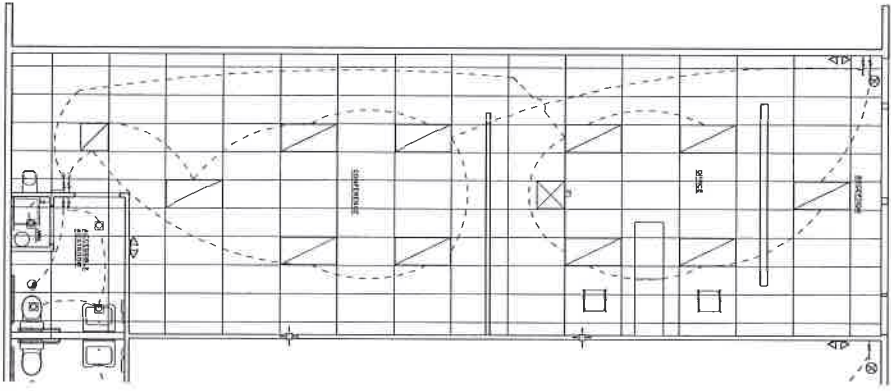
4. Management of Visitors – RMAS is an Educational Facility

- a. Individuals and small groups (under 6) are considered to be walk in visitors. These are encouraged to make a small donation at the door and browse the animals.
- b. Pre arranged small groups (ie. Birthday Groups, Scouts, etc.) are met at the door and escorted through a series of activities under close supervision.
- c. Larger groups (class field trips) will be encouraged to enter already divided into smaller groups, while the other groups share activities at the Carousel and Wild Bear Ecology Center, or as pre-planned by classroom teachers.
- d. Lecture Situations: Large Groups will be welcomed to enter and be seated for lecture series.
- e. Maximum capacity as per fire code.
- f. **Absolutely no one**, including Birthday Groups will be having food or drink on the premises.
- g. Liability Insurance will be kept up to date and a Certificate will be on file with CMC.
- h. No licensing is required by the DOW or USDA for these particular reptiles and no lethal species will be present.

5. Anticipated Utility Requirements

Unit 105 averaged 500 kW hours (\$50.) per month.

2 1st Floor RCP
SCALE: 1/8" = 1'-0"



4 ACCESSORY SCHEDULE & DOOR HARDWARE
SCALE: 1/8" = 1'-0"

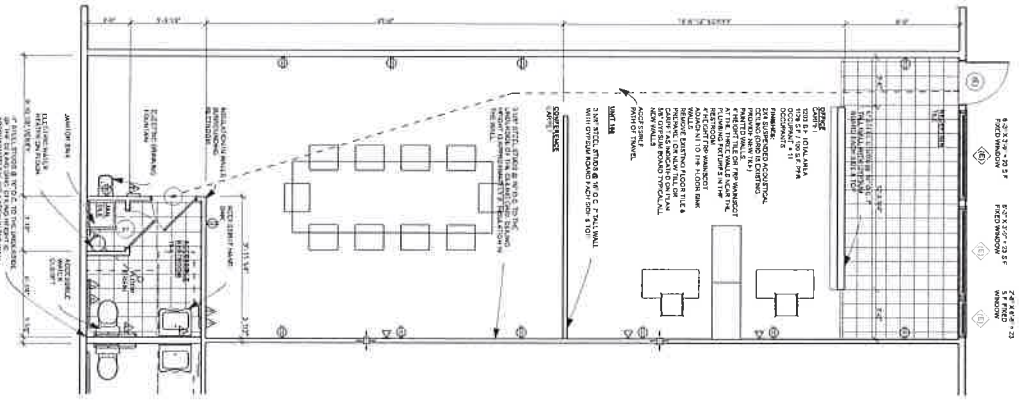
DOOR AND FRAME SCHEDULE		HARDWARE		NOTES
MARK	SIZE	FRAME	DETAIL	
1	4'-0" x 7'-0" TYP.	1/2" x 1 1/2" x 1 1/2" LAMBS	1/2" x 1 1/2" x 1 1/2" TYP.	
2	4'-0" x 7'-0" TYP.	1/2" x 1 1/2" x 1 1/2" LAMBS	1/2" x 1 1/2" x 1 1/2" TYP.	
3	4'-0" x 7'-0" TYP.	1/2" x 1 1/2" x 1 1/2" LAMBS	1/2" x 1 1/2" x 1 1/2" TYP.	

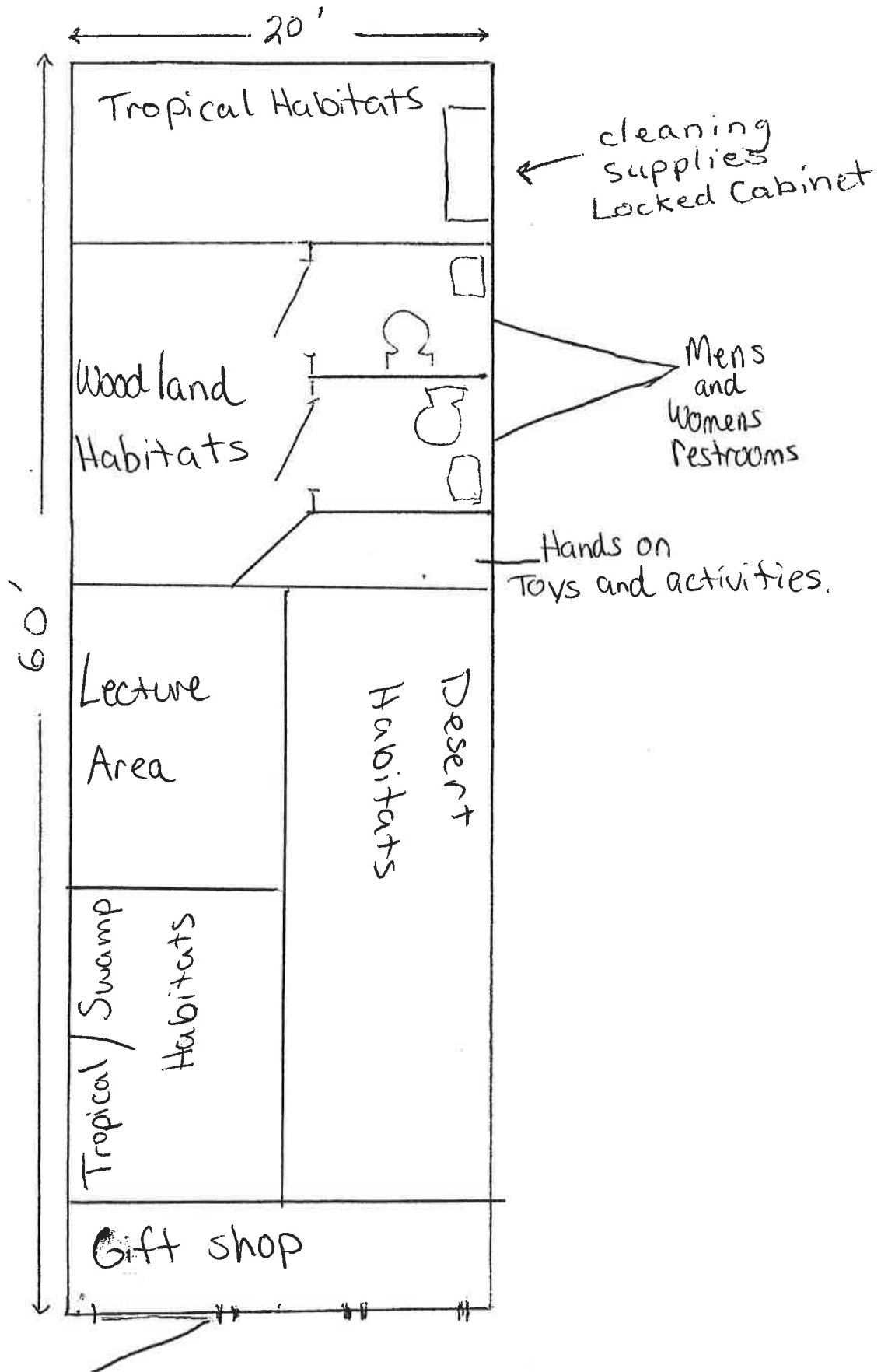
ACCESSORY SCHEDULE		NOTES	
ITEM	DESCRIPTION	ITEM	DESCRIPTION
1	STANDARD MOUNTED TOILET TISSUE DISPENSER	1	STANDARD MOUNTED TOILET TISSUE DISPENSER
2	POLISHED COFFER PLANT VASO	2	POLISHED COFFER PLANT VASO
3	STANDARD MOUNTED SOAP TOWER DISPENSER	3	STANDARD MOUNTED SOAP TOWER DISPENSER
4	WATER & SOAP DISPENSER	4	WATER & SOAP DISPENSER
5	GRAB BAR	5	GRAB BAR
6	STANDARD MOUNTED TOILET TISSUE DISPENSER	6	STANDARD MOUNTED TOILET TISSUE DISPENSER
7	STANDARD MOUNTED TOILET TISSUE DISPENSER	7	STANDARD MOUNTED TOILET TISSUE DISPENSER
8	STANDARD MOUNTED TOILET TISSUE DISPENSER	8	STANDARD MOUNTED TOILET TISSUE DISPENSER

HARDWARE SCHEDULE		NOTES	
ITEM	DESCRIPTION	ITEM	DESCRIPTION
1	1 1/2" x 1 1/2" x 1 1/2" TYP.	1	1 1/2" x 1 1/2" x 1 1/2" TYP.
2	1 1/2" x 1 1/2" x 1 1/2" TYP.	2	1 1/2" x 1 1/2" x 1 1/2" TYP.
3	1 1/2" x 1 1/2" x 1 1/2" TYP.	3	1 1/2" x 1 1/2" x 1 1/2" TYP.
4	1 1/2" x 1 1/2" x 1 1/2" TYP.	4	1 1/2" x 1 1/2" x 1 1/2" TYP.
5	1 1/2" x 1 1/2" x 1 1/2" TYP.	5	1 1/2" x 1 1/2" x 1 1/2" TYP.
6	1 1/2" x 1 1/2" x 1 1/2" TYP.	6	1 1/2" x 1 1/2" x 1 1/2" TYP.
7	1 1/2" x 1 1/2" x 1 1/2" TYP.	7	1 1/2" x 1 1/2" x 1 1/2" TYP.
8	1 1/2" x 1 1/2" x 1 1/2" TYP.	8	1 1/2" x 1 1/2" x 1 1/2" TYP.

3 NCS Door and Frame Schedule
SCALE: 1/8" = 1'-0"

1 1st Floor PLAN
SCALE: 1/8" = 1'-0"





Unit 212 BackCountry Pizza 1323	Unit 211 Barber/Tattoo 1323	Unit 210 Nederland Pharm 1323	Unit 209 Dog House Video 1323	Unit 208 Front Range 1323	Unit 207 Savory Cafe 2NED 1323	Unit 206 1323	Unit 205 Min Health Center 3969 1323	Unit 204 1323
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Unit 115 Dam Liquors 1323 3087	Unit 114 1323 441	Unit 113 Empty 882	Unit 112 Empty 1323	Unit 111 Empty 1323	Unit 110 Yoga 1323	Unit 109 Finished, empty 1323	Unit 108 CMC 1323	Unit 106 Wild Bear 1323	Unit 105 Animal Rescue 1323	Unit 104 Nederland PD 1323	Unit 103 Steve's 1323	Unit 102 Mountain Wash 1323
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Empty Units 11466 Sq feet Available

Business' occupying more than one unit 9702
7938

Occupied Space 17640

B & F 18,876

Happy Trails 1000

Total Square Feet 48,982 49,13 331





**AGENDA INFORMATION
MEMORANDUM
TOWN OF NEDERLAND
PLANNING COMMISSION**

Meeting Date: May 25, 2011

Prepared By: /s/ Alisha Reis

Dept: Administration

Action _____ Discussion ___ X ___

AGENDA ITEM:

Update of the 2003 Comprehensive Plan

SUMMARY:

A discussion focusing on the housing and economic chapters of the Comprehensive Plan update.